

E-FILED - 6/25/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTIC CORPORATION and
HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

CASE NO.: C08-0133 RMW (RS)

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
EXHIBIT 1 TO THE DECLARATION
OF HENRY C. SU IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANT'S OBJECTIONS AND
MOTION TO STRIKE DOCTRINE OF
EQUIVALENTS ARGUMENT**

1 The Court, having considered Plaintiffs' Administrative Motion [Docket No. 178] to File
2 Under Seal Exhibit 1 to the Declaration of Henry C. Su in Support of Plaintiffs' Opposition to
3 Defendant's Objections and Motion to Strike Doctrine of Equivalents Argument, and the
4 Declaration of Natalie J. Morgan in partial support thereof, finds that good cause exists pursuant
5 to Civil Local Rule 79-5 and hereby orders that the Motion is GRANTED.

6 The clerk shall maintain under seal Exhibit 1 to the Declaration of Henry C. Su in
7 Support of Plaintiffs' Opposition to Defendant's Objections and Motion to Strike Doctrine of
8 Equivalents Argument.

9 It is SO ORDERED

10
11 Dated: 6/25, 2008

By: *Ronald M. Whyte*
Honorable Ronald M. Whyte
United States District Court Judge

CERTIFICATE OF SERVICE
U.S. District Court, Northern District of California,
Hologic, Inc. et al. v. SenoRx, Inc.
Case No. C-08-0133 RMW (RS)

I, Kirsten Blue, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On June 24, 2008, I served a copy(ies) of the following document(s):

**[PROPOSED] ORDER GRANTING PLAINTIFFS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL EXHIBIT 1 TO THE DECLARATION OF
HENRY C. SU IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANT'S OBJECTIONS AND MOTION TO STRIKE DOCTRINE OF
EQUIVALENTS ARGUMENT**

on the parties to this action by the following means:

Henry C. Su (suh@howrey.com)
Katharine L. Altemus (altemusk@howrey.com)
HOWREY LLP
1950 University Avenue, 4th Floor
East Palo Alto, CA 94303
Telephone: (650) 798-3500
Facsimile: (650) 798-3600

Attorneys for Plaintiffs
HOLOGIC, INC. CYTYC
CORPORATION and
HOLOGIC LP

Matthew Wolf (wolfm@howrey.com)
Marc Cohn (cohnm@howrey.com)
HOWREY LLP
1229 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 783-0800
Facsimile: (202) 383-6610

Attorneys for Plaintiffs
HOLOGIC, INC. CYTYC
CORPORATION and
HOLOGIC LP

☐ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent via electronic mail (email) to the above listed names and email addresses.

☐ (BY PERSONAL SERVICE) I caused to be delivered by hand to the addressee(s) noted above. I delivered to an authorized courier or driver to be delivered on the same date. A proof of service signed by the authorized courier will be filed with the court upon request.

☐ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s), to the addressee(s) noted above, designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Wilson Sonsini

1 Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily
2 familiar with WSGR's practice for collecting and processing of correspondence for
3 overnight delivery, said practice being that, in the ordinary course of business,
4 correspondence for overnight delivery is deposited with delivery fees paid or provided for
5 at the carrier's express service offices for next-day delivery the same day as the
6 correspondence is placed for collection.

7 ☐ (BY FACSIMILE) I caused to be transmitted by facsimile machine (number of sending
8 facsimile machine is (858) 350-2399 at the time stated on the attached transmission
9 report(s) by sending the documents(s) to (see above). The facsimile transmission(s)
10 was/were reported as complete and without error.

11 ☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case
12 Management/Electronic Case File system with the U.S. District Court for the Northern
13 District of California.

14 I declare under penalty of perjury under the laws of the United States that the above is true
15 and correct, and that this declaration was executed on June 24, 2008.

16
17
18
19
20
21
22
23
24
25
26
27
28



Kirsten Blue